



FW 1641#

S/N 10/027201

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Stephen Quirk	Examiner:	Gary Counts
Serial No.:	10/027201	Group Art Unit:	1641
Filed:	December 20, 2001	Docket:	1443.027US1
Title:	DIAGNOSTIC SIGNAL AMPLIFICATION WITH PROTEINOID MICROSPHERES		

RESPONSE TO A RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant has reviewed the Restriction Requirement mailed March 11, 2004 and provisionally elects, with traverse, the claims of Group I (claims 1-6). Applicants understand that if the traversal is unsuccessful, the subject matter of the nonelected claims reading thereon may be pursued in a divisional patent application which shall enjoy all rights a benefits of 35 USC §121.

The Restriction Requirement is traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. Moreover, as stated by the Examiner in the March 11, 2004 Restriction Requirement, the claims of both Groups I and II are "drawn to a labeled proteinoid microsphere." Hence, the subject matter of the two groups of claims is not so independent and distinct as the Examiner suggests. Also, if the search and examination of an entire application can made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions. M.P.E.P. § 803. It is respectfully submitted that the search and examination of the claims in this case can be made without serious burden on the Office. Thus, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

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Page 2

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The Examiner is invited to contact Applicant's representatives at the below-listed telephone number if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted,

STEPHEN QUIRK

By his Representatives,

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Date

May 7, 2004

By

Robin A. Chadwick

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7 day of May, 2004.

Name

Gina M. Uphus

Signature

Gina Uphus